

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

SLUSH PUPPIE LIMITED,

Plaintiff,

v.

THE ICEE COMPANY,

Defendant.

CASE NO. 1:19-cv-00189-MRB

Judge Michael R. Barrett

**[PROPOSED ALTERNATE<sup>1</sup>] ORDER GRANTING THE ICEE COMPANY'S MOTION  
FOR SUMMARY JUDGMENT ON SPL'S EIGHTH CLAIM FOR RELIEF IN ITS  
SECOND AMENDED COMPLAINT**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 2022, it is hereby  
ORDERED that Defendant The ICEE Company's Motion for Summary Judgment is  
GRANTED, as follows:

1. Judgment is entered for Defendant The ICEE Company and against plaintiff Slush Puppie Limited on Count Eight of Slush Puppie Limited's Second Amended Complaint.
2. Judgment is entered for Defendant The ICEE Company and against plaintiff Slush Puppie Limited on any claims or parts of claims by Slush Puppie Limited alleging liability or damages based on the premise that ICEE did not properly terminate the 1996 Manufacturing Appointment or the 1999 Distributor Agreement on June 25, 2019..

**IT IS SO ORDERED.**

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<sup>1</sup> This proposed order is presented in the alternative in the event that the Court grants SPL's motion to amend, Doc. 72. By presenting this alternative, ICEE does not waive its position that the motion should not be granted.

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MICHAEL R. BARRETT, JUDGE  
UNITED STATES DISTRICT COURT